

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **David Resendez**

Case Number: **2:20CR00116**

Name of Sentencing Judicial Officer: **Honorable Richard F. Boulware**

Date of Original Sentence: **August 12, 2021**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **7 Months prison, followed by 36 Months TSR.**

Date of Prior Revocation: **June 2, 2022**

Revocation Sentence: **30 days custody followed by 30 months TSR**

Date Supervision Commenced: **August 25, 2021; June 9, 2022**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Drug Testing** – You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing shall not exceed 104 tests per year. You must not attempt to obstruct or tamper with the testing methods.

Resendez failed to report for drug testing on June 17, 2022

RE: David Resendez

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2. **Residential Reentry Center** – You must reside in a residential reentry center for a term of up to 180 days. You must follow the rules and regulations of the center. Subsistence fee is waived.

On June 14, 2022, Resendez was instructed to report to the Residential Re-entry Center on June 20, 2022. Resendez failed to report to the facility as instructed.

3. **Follow Instructions Of Probation Officer** - You must follow the instructions of the probation officer related to the conditions of supervision.

A. On June 14, 2022, Resendez was instructed to call into the drug testing line daily to begin the drug testing program. Resendez failed to call as instructed.

B. On June 14, 2022, Resendez was instructed to report to the Residential Re-entry Center on June 20, 2022. Resendez failed to report to the facility as instructed.

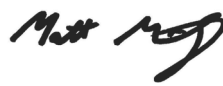
U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **June 27, 2022**



Digitally signed by
Matthew Martinez
Date: 2022.06.28
13:34:50 -07'00'

Matthew S. Martinez
United States Probation Officer

Approved:



Digitally signed by Brian
Blevins
Date: 2022.06.28
13:24:51 -07'00'

Brian Blevins
Supervisory United States Probation Officer

RE: David Resendez

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THE COURT ORDERS

- ☐ No Action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:



RICHARD F. BOULWARE, II
United States District Judge

August 10, 2022

Date

RE: David Resendez

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. DAVID RESENDEZ, 2:20CR00116**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
June 27, 2022**

By way of case history, Resendez was originally sentenced to seven (7) months custody followed by a three (3) year term of supervised release for committing the offense of Felon in Possession of a Firearm. On August 25, 2021, Resendez commenced his first term of supervision. On June 2, 2022, the Court revoked supervision and sentenced Resendez to thirty (30) days custody followed by thirty (30) months supervised release for unlawful use of a controlled substance, failing to participate in substance abuse treatment, and failing to report police contact within 72 hours. On June 9, 2022, Resendez commenced his second term of supervision.

On June 14, 2022, Resendez reported to the probation office and participated in the intake process to commence supervision. As part of the process, Resendez was provided a drug testing card and instructions to begin calling into the drug testing line daily to see if he is scheduled to report for drug testing. A review of the call log revealed Resendez failed to call into the drug testing line at all as instructed. Subsequently, he failed to report for a scheduled drug test on June 17, 2022.

On the same date, Resendez was informed his bedspace was approved at the Residential Re-entry Center (RRC) for June 20, 2022. Resendez was instructed to report to the facility at 0900 hrs. on June 20, 2022. Resendez failed to report to the facility as instructed.

As the Court is aware, the parties in this case collaborated and developed a plan to assist Resendez in addressing his substance abuse. Resendez was to be placed at the RRC and participate in an Intensive Outpatient (IOP) program through West Care. Unfortunately, Resendez did not follow through with his end of the agreement. Resendez was approved to reside at the RRC effective June 20, 2022 but failed to show. The undersigned officer reached out to Resendez's family who reported they would try and reach him. As of the writing of this report, his family has not followed up with the undersigned officer. Additionally, the undersigned officer reached out to the Federal Public Defenders office to see if they would be able to contact their client. As of the writing of this report, no confirmation of communication has been received.

At this point, Resendez has proven he has no intent on following through with addressing his substance abuse issue or following the orders of the Court. He has not contacted the probation office since June 14, 2022 and his whereabouts are unknown. As such, is it respectfully requested a warrant be issued to initiate revocation proceedings and bring Resendez before the Court to show cause as to why supervision should not be revoked.

RE: David Resendez

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Respectfully submitted,



Digitally signed by
Matthew Martinez
Date: 2022.06.28
13:35:31 -07'00'

Matthew S. Martinez
United States Probation Officer

Approved:



Digitally signed by Brian
Blevins
Date: 2022.06.28
13:25:17 -07'00'

Brian Blevins
Supervisory United States Probation Officer